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13 for the Certificateholders of CWALT Inc., Alternative Loan Trust 2005-46CB, Mortgage Pass-  
14 Through Certificates, Series 2005-46CB  
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17 **UNITED STATES DISTRICT COURT**

18 **DISTRICT OF NEVADA**

19 THE BANK OF NEW YORK MELLON FKA  
20 THE BANK OF NEW YORK, AS TRUSTEE  
21 FOR THE CERTIFICATEHOLDERS OF  
22 CWALT INC., ALTERNATIVE LOAN  
23 TRUST 2005-46CB, MORTGAGE PASS-  
24 THROUGH CERTIFICATES, SERIES 2005-  
25 46CB, a national bank,

26 Plaintiff,

27 vs.

28 TIERRA DE LAS PALMAS OWNERS  
ASSOCIATION, a Nevada non-profit  
corporation; PRAIRIE FLOWER HOLDINGS,  
LLC, a Nevada limited liability company;  
VOULZWASBECK MENDIOLA, an  
individual; and MICHELLE B. SMITH, an  
individual,

Defendants.

Case No.: 2:17-cv-01989-MMD-GWF

**STIPULATION AND ORDER TO  
DISMISS DEFENDANT TIERRA DE  
LAS PALMAS OWNERS ASSOCIATION**

Pursuant to Federal Rule of Civil Procedure 41(a), Plaintiff The Bank of New York  
Mellon FKA The Bank of New York, As Trustee for the Certificateholders of CWALT Inc.,

Alternative Loan Trust 2005-46CB, Mortgage Pass-Through Certificates, Series 2005-46CB (hereinafter “BNYM”) and Defendant Tierra De Las Palmas Owners Association (hereinafter “Tierra De Las Palmas”) (collectively, the “Parties”), by and through their respective counsel of record, hereby stipulate as follows:

1. On July 21, 2018, Plaintiff BNYM filed its Complaint in this action naming Tierra De Las Palmas Owners Association and other parties as defendants related to a homeowners association foreclosure sale of real property located at 2315 Little Italy Avenue, North Las Vegas, Nevada 89031; APN 124-32-820-012 (hereinafter “Property”).
2. The Parties hereby agree that BNYM’s claims against Tierra De Las Palmas shall be dismissed with prejudice, and BNYM and Tierra De Las Palmas shall each bear its own costs and fees related to this litigation.
3. Tierra De Las Palmas asserts that it does not have a current ownership interest in title to the Property.
4. Tierra De Las Palmas specifically reserves its ongoing rights under Nevada law, including NRS Chapter 116, and the governing documents, including the Covenants, Conditions and Restrictions (“CC&Rs”).

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1 5. This dismissal does not affect any rights, claims or defenses of BNYM or Tierra De Las  
2 Palmas with respect to any other party related to the foreclosure sale of the Property.

3 **IT IS SO STIPULATED.**

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5 DATED this 7th day of May, 2018.

6 ZIEVE, BRODNAX & STEELE, LLP

PENGILLY LAW FIRM

7  
8 /s/J. Stephen Dolembro, Esq.

/s/Elizabeth B. Lowell, Esq.

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13 Attorneys for Plaintiff *The Bank of New York*  
14 *Mellon f/k/a The Bank of New York, as*  
15 *Trustee for the Certificateholders of the*  
16 *CWABS, Inc., Asset-Backed Certificates,*  
17 *Series 2006-15*

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19  
20 **Case No.: 2:17-CV-01989-MMD-GWF**

21 **ORDER**

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23 Based on the foregoing stipulation, and good cause appearing,

24 **IT IS ORDERED** that Defendant TIERRA DE LAS PALMAS OWNERS  
25 ASSOCIATION is hereby dismissed from this case with prejudice.

26 **IT IS FURTHER ORDERED** that Defendant TIERRA DE LAS PALMAS OWNERS  
27 ASSOCIATION has no present ownership interest in title to the Property.

1           **IT IS FURTHER ORDERED** that each party shall bear its own attorneys' fees and  
2 costs.

3           **IT IS FURTHER ORDERED** that this dismissal does not affect any rights, claims or  
4 defenses of Plaintiff BNYM or TIERRA DE LAS PALMAS OWNERS ASSOCIATION with  
5 respect to any other party related to the foreclosure sale of the Property.

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7                                   **IT IS SO ORDERED.**

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9                                   DATED this 10th day of September 2018.

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14                                   U.S. DISTRICT COURT ~~OR~~ MAGISTRATE JUDGE

15 Respectfully submitted:

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17 ZIEVE, BRODNAX & STEELE, LLP

18 /s/J. Stephen Dolembro, Esq.  
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25 *York Mellon FKA The Bank of New*  
*York, As Trustee for the*  
*Certificateholders of CWALT Inc.,*  
*Alternative Loan Trust 2005-46CB,*  
*Mortgage Pass-Through Certificates,*  
*Series 2005-46CB*

**CERTIFICATE OF SERVICE**

Pursuant to F.R.C.P. 5(b) and Electronic Filing Procedure IV(B), I certify that on the  
7th day of September, 2018, a true and correct copy of the **STIPULATION AND  
ORDER TO DISMISS DEFENDANT TIERRA DE LAS PALMAS OWNERS  
ASSOCIATION** was transmitted electronically through the Court's e-filing electronic notice  
system to the attorney(s) associated with this case.

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/s/ Sara Hunsaker  
An Employee of ZIEVE, BRODNAX & STEELE, LLP